IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

KYLER NATHANIEL   PLAINTIFF

v.   Case No. 6:18-CV-6022

DARDEN RESTAURANTS, INC., et al.   DEFENDANTS

<u>ORDER</u>

Before the Court is the parties' joint motion (Doc. 13) to stay the case and compel arbitration. The motion will be granted in part and denied in part.

On May 21, 2018, the Supreme Court announced its decision in *Epic Systems Corp. v. Lewis*, No. 16-285; *Ernst & Young LLP v. Morris*, No. 16-300; and *NLRB v. Murphy Oil USA, Inc.*, No. 16-307, holding that arbitration agreements providing for individualized proceedings must be enforced, and neither the Federal Arbitration Act's saving clause nor the National Labor Relations Act suggests otherwise. Based on this decision, the parties agree that any need for litigation over Plaintiff's class allegations has been rendered moot and that that the appropriate course of action for this matter is that it be stayed pending arbitration. Having reviewed the parties' pleadings and the recent Supreme Court decision, the Court agrees that arbitration is appropriate. The Court will not grant the motion to stay, however, because all claims in this lawsuit are subject to the arbitration agreement. *See Green v. SuperShuttle Int'l, Inc.*, 653 F.3d 766, 769-70 (8th Cir. 2011) (stating that under a judicially-created exception to section 3 of the Federal Arbitration Act, a court may, in its discretion, dismiss an action in favor of arbitration where it is clear that the entire controversy will be resolved by arbitration).

IT IS THEREFORE ORDERED that the joint motion (Doc. 13) is GRANTED IN PART AND DENIED IN PART. The motion is GRANTED insofar as the parties are ORDERED to proceed to arbitration of their dispute. The motion is DENIED insofar as no stay will be entered.

IT IS FURTHER ORDERED that this case is DISMISSED WITHOUT PREJUDICE. Judgment will be entered separately.

IT IS SO ORDERED this 26th day of July, 2018.

/s/ P. K. Holmes, III
P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE